

REMARKS:

Regarding the objections to specification

An amended specification is submitted herewith for replace the original specification.

In the amended specification:

the "non-powered environment-protective sightseeing carriage" in the title and the specification is amended as "human powered environment-protective sightseeing carriage";

the "40: foot power device" is amended as "40: foot stepping driving device";

"which pivots in the supporting set 131" is added to modify the top cover 13. It is supported by the Fig. 4.

No new matter is introduced in the amended specification.

Regarding claim objections

All deficiencies indicated by the Examiner have been corrected in the amended claims.

Regarding claim rejections -35 USC 112

In relating to the item 13 rejection, the claim 10 is canceled.

In relating to the item 15 rejection, the claims 6, 8, 9, and 10 are canceled. The currently amended claim 7 further defines the claim 1.

In relating to the items 16, 17 and 18 rejections, the claims 6, 8 and 9 are canceled.

Regarding Rejections - 35 USC 102

"The distinction between rejections based on **35 U.S.C. 102** and those based on **35 U.S.C. 103** should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under **35 U.S.C. 102**, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on **35 U.S.C. 103**, the reference teachings must somehow be modified in order to meet the claims. The modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. See **MPEP § 2131 - § 2146** for guidance on patentability determinations under **35 U.S.C. 102** and 103."

1. In regard to the currently amended claim 1, it has some important features as follows:

A) back side of said top cover being pivoted in a supporting set located at the back board, thereby the top cover can be open or close for pets passing in and out and shadowing sun light;

B) a hole on said floor with a dropping tray under said hole;

C) a footplate driving device powered by human fixed under said floor.

Roy (US 6267080) does not disclose the above-mentioned three new features.

The applicant respectfully studies the Examiner's comment in the item 21 that "a hole (8) on the floor with a dropping tray (15)." However, the applicant cannot agree with the comment. Roy's carriage has two floors, "the lower area 3 has a floor opening 8 in it to allow the cat to access the low area 3." (Roy, column 3 lines 60-63) It clearly shows that Roy does not teach the feature of "a hole on said floor with a dropping tray under said hole" in the amended claim 1, which is important for sanitation.

The amended claim 1 overcomes the 35 USC 102 Rejection raised in the Item 21 of the Office Action and is patentable. The reason is that Roy does not teach or inherently teach the above mentioned A), B) and C) three new features of the amended claim 1.

2. The amended claims 3, 5 and 7 are dependent claims of Claim 1. They possess all new features of claim 1 that not be disclosed by Roy. Therefore, they overcome the 35 USC 102 Rejection raised in the Office Action and is patentable.

3. The amended claim 4 has a new feature of "a top tent over said top cover for warding off the compartment," that is not disclosed by Roy. Also, the amended claim 4 is a dependent claim of Claim 1. It possesses all new features of claim 1 that not be disclosed by Roy. Therefore, it overcomes the 35 USC 102 Rejection raised in the Office Action and is patentable.

Regarding Claim rejections -35 USC 103

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2143-2143.03 for decisions pertinent to each of these criteria."

1. The amended claim 4 has a new feature of "a top tent over said top cover for warding off the compartment," that is not disclosed by Roy or Leader et al. (US5113793).

The applicant respectfully studies the Examiner's comment in the item 28 that "Leader et al. discloses a pet carriage with a top tent (2) covering a top cover (21)." However, the applicant cannot agree with the comment.

Leader discloses: "the canopy 2 will hide the pet 13 from view as desired. ----- The canopy 2 could be made to be form-fitting to the shape and size of the enclosure 15." (Leader, column 3 lines 51-57) **It is clear that Leader's canopy is wrapping the carriage for hide pet from view. But the new feature of amended claim 4 is "a top tent over said top cover for warding off the compartment." The meaning of wording off is to shelter the carriage from sun and raining. Also the tent is located over the carriage rather than wrapping the carriage.**

Leader does not teach or suggest all the claim limitations, such as locating over the carriage, shelter from sun and raining. Also, Leader does not teach some suggestion or motivation for the new features of amended claim 4 including "sheltering the carriage from sun and raining" or "putting the canopy over the carriage." Therefore, the amended claim 4 is patentable over Roy in view of Leader under 35USC 103

In relating to rejections of items 30, 31, 32 and 33, the original claims 7, 9 and 10 are canceled.

For all of the above reasons, applicant submits that the specification drawings and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Tianhua Gu

Reg. No. 52480

Global IP Services (56352)

Tel. No. 209-676-2219